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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/596,169 06/16/00 SUNSHINE

S 18564-003610

020350 MMC2/0913  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

EXAMINER

TSAI, C

ART UNIT

PAPER NUMBER

2857

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/596,169

Applicant(s)

SUNSHINE ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 1-11 and 19-22 is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Election/Restrictions*

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 4, 6, 7, 10, 11, 19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,196,057 B1 to Discenzo.

With respect to claims 1, and 19, Discenzo discloses a distributed sensing system in a networked environment for identifying an analyte, the system comprising: a first sensor array connected to the network comprising sensors capable of producing a first response in the

Art Unit: 2857

presence of a chemical stimulus (see col. 4, lines 2-4); a second sensor array connected to the network comprising sensors capable of producing a second response in the presence of a physical stimulus (see col. 2, lines 57-62; col. 3, line 67 to col. 4, lines 1-2; col. 4, lines 4-6); a computer connected to the network having an algorithm in which the first response and the second response are processed to identify the analyte (see Fig. 2 and 3 , and col. 8, lines 28-40).

As to claims 4 and 22, Discenzo also discloses the distributed sensing system in a networked environment for identifying an analyte in which each sensor of the second sensor arrays is a member selected from the group consisting of an optical sensor, a mechanical sensor, a radiation sensor, a thermal sensor and combination (see col. 3, line 63 to col. 4, line 11).

As to claim 6, Discenzo also discloses the distributed sensing system in a networked environment for identifying an analyte in which each sensor of the second sensor array is an thermal sensor (see col. 3, line 67 to col. 4, line 1).

As to claim 7, Discenzo also discloses the distributed sensing system in a networked environment in which the transmission of the first response is conducted via wired communications (see Abstract, lines 1-6).

As to claims 10 and 11, Discenzo also discloses the distributed sensing system in a networked environment for identifying an analyte in which the networked environment is a member selected from the group consisting of a work wide computer network, an internet, the Internet, a wide area network, a local area network, an intranet and combinations (see col. 8, lines 28-40).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Discenzo in view of U.S. Patent No. 5,469,369 to Rose-Pehrsson et al.

As noted above, Discenzo discloses the claimed invention, except for the distributed sensing system in a networked environment in which the algorithm selects the most relevant sensor modality in the first and second array to identify the analyte.

Rose-Pehrsson et al. teach the distributed sensing system in a networked environment in which the algorithm selects the most relevant sensor modality in the first and second array to identify the analyte (see col. 9, lines 1-13 and lines 33-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Discenzo's apparatus to include the distributed sensing system in a networked environment in which the algorithm selects the most relevant sensor modality in the first and second array to identify the analyte, as taught by Rose-Pehrsson et al., because a diverse set of sensors with strong, selective, and uncorrelated responses can more effectively spread different vapors out in feature space, facilitating discrimination (Rose-Pehrsson et al. col. 14, lines 25-28).

Art Unit: 2857

7. Claims 3, 5, 8, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Discenzo in view of U.S. Patent No. 6,170,318 B1 to Lewis.

As noted above, with respect to claims 3, 5, and 21, Discenzo discloses the claimed invention, except for the distributed sensing system in a networked environment in which each sensor of the first sensor array is a member selected from the group consisting of a bulk conducting polymer film, a semiconducting polymer sensor, a surface acoustic wave device, a fiber optic micromirror, a quartz crystal microbalance, a conducting/nonconducting regions sensor, a dye impregnated polymeric coatings on optical fiber and combinations.

Lewis teaches the distributed sensing system in a networked environment in which each sensor of the first sensor array is a conducting/nonconducting regions (see col. 3, lines 61-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Discenzo's apparatus to include the distributed sensing system in a networked environment in which each sensor of the first sensor array is conducting/nonconducting regions, as taught by Lewis, in order to provide a response to the presence of vapor in contact with sensors (Lewis col. 28, lines 19-20).

As to claim 8, Discenzo does not disclose the distributed sensing system in a networked environment in which the transmission of the first response is conducted via wireless communications.

Lewis teaches the distributed sensing system in a networked environment in which in which the transmission of the first response is conducted via wireless communications (see Figs. 21, 24, 25, 26, 27, 29, 31, 32, and 33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Discenzo's apparatus to include the distributed sensing system in a networked environment in which the transmission of the first response is conducted via wireless communications, as taught by Lewis, in order to provide substantial advantages in terms of performance, weight, and reduced size.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Discenzo in view of Lewis as applied to claims 1 and 8 above, and further in view of U.S. Patent No. 5,728,581 to Schwartz et al.

As noted above, Discenzo in combination with Lewis teach all the features of the claimed invention, but do not disclose the distributed sensing system in a networked environment in which the wireless communications are implemented using communications technologies selected from a member of a group consisting of infrared technology, satellite technology, microwave technology and radio wave technology.

Schwartz et al. teach the distributed sensing system in a networked environment in which the wireless communications are implemented using communications technologies selected from a member of a group consisting of infrared technology, satellite technology, microwave technology and radio wave technology (see col. 16, lines 51-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Discenzo in combination with Lewis's apparatus to include the distributed sensing system in a networked environment in which the wireless communications are implemented using communications technologies selected from a member of a group

Art Unit: 2857

consisting of infrared technology, satellite technology, microwave technology and radio wave technology, as taught by Schwartz et al., in order to measure the CO<sub>2</sub> (Schwartz et al. col. 16, lines 53-54).

### ***Response to Arguments***

9. Applicant's arguments filed 08/08/2001 have been fully considered but they are not persuasive.

Regarding the art rejections, Applicants argue that the Discenzo reference does not teach or suggest a distributed sensing system; a networked environment; and identifying an analyte. Examiner disagrees with Applicants. As set forth above, Discenzo discloses a distributed sensing system (see Fig. 2 and Abstract, lines 1-3; col. 8, lines 28-40; col. 12, lines 24-62; and col. 13, lines 5-42); a networked environment (see Fig. 2 and col. 8, lines 28-40; col. 10, lines 24-31; and col. 11, lines 13-17); and identifying an analyte (see col. 6, lines 29-34 and lines 39-57; col. 7, lines 1-5 and lines 39-63; and col. 16, lines 12-19).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



Art Unit: 2857

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 305-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

09/09/01

  
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